

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12126-EFH

WILLIAM FOLEY,
Plaintiff,

v.
ALCATEL USA, INC.,
Defendant,

JOINT MOTION TO AMEND SCHEDULING ORDER

Now comes the Plaintiff, William Foley, and the Defendant, Alcatel USA, Inc., and respectfully request that the Court amend the Scheduling Order in the above-captioned matter to extend the period in which the parties may conduct fact discovery by ninety (90) days to and including November 18, 2005 and to similarly amend all other deadlines as set forth below for the following reasons:

1. At the April 2005 scheduling conference, the Court endorsed the Joint Statement submitted by the parties. The current deadline for completion of all fact discovery is August 19, 2005 and a pretrial conference is scheduled for December 6, 2005.
2. The parties have exchanged Initial Disclosures pursuant to Fed. R. Civ. P.26(a)(1). In addition, both parties have served and responded to requests for production of documents, interrogatories and requests for admissions pursuant to Fed. R. Civ. P. 33, 34 and 36.
3. A dispute has arisen regarding the scope of a proposed protective order pursuant to Fed. R. Civ. P. 26(c). The parties have attempted to resolve the disputes without need for Court intervention and will continue such efforts. These resolution efforts, however,

have caused a delay in discovery that neither party anticipated when their Joint Statement was submitted.

4. Following resolution of the protective order dispute—whether by agreement or by Court Order—both parties intend to conduct several depositions.
5. The present discovery dispute will not be resolved in time for the parties to prepare for and conduct depositions before expiration of the present discovery deadline.
6. In addition to the foregoing, the parties have been engaged in settlement discussions. Although a settlement has not been reached, the requested extension will allow sufficient time to undertake discovery which, upon completion, may promote resolution of the case.
7. Both parties support this motion, and neither will be prejudiced by its allowance.
8. This is the first request for extension.
9. As the requested extension is modest, the parties respectfully submit that allowance of the motion will not interfere with the Court's efficient processing of this matter.

WHEREFORE, the parties respectfully request that the Scheduling Order be amended to enlarge the deadlines and reschedule the pretrial conference as follows:

Designation of Experts By.....November 4, 2005

All Fact Discovery Completed ByNovember 18, 2005

Expert Reports Produced By.....December 16, 2005

Expert Depositions Completed By.....January 6, 2006

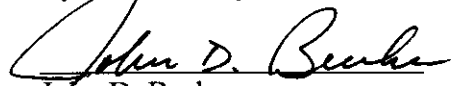
Motions for Summary Judgment Served By*.....February 3, 2006

*If Experts are not Designated by November 4, 2005,
all Motions for Summary Judgment

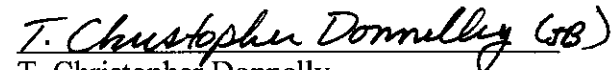
Must be Served By.....December 22, 2005

Pretrial Conference Date.....To Be Assigned.

For the Plaintiff,
WILLIAM FOLEY,
By His Attorney,


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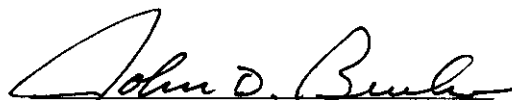
And

Sharan Leslie Goolsby
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CERTIFICATE OF SERVICE

I, John D. Burke, hereby certify that I served this document upon counsel for the Defendant, T. Christopher Donnelly, Esq., and Sharan Goolsby, Esq., by facsimile & U.S. Mail, postage prepaid, on this 26th day of July, 2005.

Signed under oath.


John D. Burke